

REMARKS

In the Office Action mailed February 24, 2006, the Examiner noted that claims 1-3, 5-17 and 24-25 were pending, claims 1-3, 5-7, 24 and 25 were allowed, and rejected claims 8-17. Claims 7, 8, 15, 16, 17, 24 and 25 have been amended. Thus, in view of the foregoing, claims 1-3, 5-17 and 24-25 remain pending. Reconsideration is respectfully requested.

No new matter has been added. The Examiner's rejections are respectfully traversed below.

In the Office Action and accompanying the Office Action Summary mailed December 1, 2005, Applicants discovered errors in the standing of the claims. More specifically, the Office Action rejected claims that Applicants had previously cancelled in the Amendment filed August 24, 2005. On January 31, 2006, Applicants' Representative conducted a telephonic interview with Examiner Gregory M. Desire to discuss claims 4, 18-23, and 26. Specifically, claims 4, 18-23, and 26 were cancelled in the Amendment filed August 24, 2005, but were still rejected in the Final Office Action mailed December 1, 2005. The Examiner agreed that this was an oversight, and agreed that a new Final Office Action would be issued to remedy this error.

On February 24, 2006, a new Final Office Action was mailed. Applicants note, however, that the Office Action Summary accompanying this new Final Office Action still indicates that claims 8-23 stand rejected, even though claims 18-23 were cancelled in the Amendment filed August 24, 2005. Applicants respectfully submit that the Office Action Summary should indicate that claims 8-17 stand rejected.

At page 2 of the Final Office Action, numbered item 3, claims 8-12 and 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,011 to Nakajima in view of U.S. Patent No. 5,775,918 to Yanagida and in further view of U.S. Patent No. 6,247,009 to Shiiyama et al. (Shiiyama). All rejections are respectfully traversed.

Independent claim 8 has been amended to recite, in part, the following for which support can be found from the specification:

a user corrected image obtaining unit outputting a predetermined image of which an image quality is favored by a large number of people, and allowing a user to correct the predetermined image for generating data for correction from a result of the user correcting the predetermined image and storing the data for correction;

Regarding claims 8-12, and 14-17, on page 3, the Examiner acknowledges that Nakajima and Yanagida "do not clearly disclose output of predetermined image widely preferred

among a large number of people." The Examiner alleges that Shiiyama teaches this feature. Specifically, the Examiner alleges that Shiiyama discloses output image based on number of votes and points to col. 4, lines 1-10 of Shiiyama. The Shiiyama text noted by the Examiner particularly states:

Prior to the description of the method, assume that this embodiment has a database for managing a plurality of images and storing vote results for the respective images, and a database for managing the current total number Vsum of votes cast for each image data. In this embodiment, when the user requests image display in an enlarged scale from thumbnail images as search results, it is determined that user has voted for that image.

Shiiyama, col. 4, lines 1-10.

Shiiyama is directed to an information management unit that manages information indicating image data and the number of times (the number of votes) the image data was found upon a search. See Shiiyama Abstract. First, Applicants respectfully submit that col. 4, lines 1-10 of Shiiyama, cited at page 3 of the Office Action, describes how to store vote results using to different databases, but does not describe "output of predetermined image widely preferred among a large number of people."

Second, Shiiyama describes an invention that assumes a vote has been cast in support of an image when the user selectively points to this image in a series of thumbnail images that is presented, constituting the result of a conducted search, in order to display the image in an enlarged scale (detail mode).

In contrast to Shiiyama, currently amended independent claim 8 is directed to invention features in which a preference of a user is acquired by causing the user to enter corrections, in a way he/she likes, to an image that is prepared specifically for this purpose. The image the user applies corrections to, the correct focus image, is a generally preferred image that is favored by a large number of people.

Secondly, Shiiyama describes storing vote results for images. Applicants respectfully submit, however, that any series of the thumbnail images that are output with Shiiyama are images that are respectively different in the substantive content of the image, unlike the plurality of images concerned with the present invention. See Shiiyama, Col. 1, Lines 5-30. The plurality of images as concerned with the present invention, are those representing, as a non-limiting example, formatting preferences such as a set of brightness variations on the same one original image and are presented to a large number of people for collecting their preferences for determining and preparing "an image that is favored by a large number of people."

Applicants respectfully submit that "output image based on number of votes," which the Office Action contends is described in Shiiyama and "the image that is favored by a large proportion of people" (the generally preferred image), associated with the present invention, are patentably distinguishable for the aforementioned reasons. Shiiyama is directed towards returning image data in a search that most accurately matches the search condition input from a user, based upon which images are selected most often by users conducting that search. Thus, Applicants respectfully submit that Shiiyama is about accurate search results and is not particularly relevant to the present invention.

Accordingly, Applicants respectfully submit that the combined teachings of Nakajima, Yanagida and Shiiyama do not teach or suggest at least the aforementioned features of the present invention.

Independent claim 16 is directed to a method of claim 8. Therefore, it is submitted that claim 16 patentably distinguishes over the prior art for reasons similar to independent claim 8.

Independent claim 17 is directed to a computer readable storage of claim 8. Therefore, it is submitted that claim 17 patentably distinguishes over the prior art for reasons similar to independent claim 8.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 8, 16 and 17 are respectfully requested. In view of the foregoing, Applicants respectfully submit that the dependent claims 9-12 and 14 should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Independent claim 15 has been amended to be a method claim of allowed independent claim 1; therefore, Applicants respectfully request consideration of allowance for claim 15 for the same reasons as claim 1.

On page 5 of the Office Action dated February 24, 2006, claim 13 was rejected as being unpatentable under 35 U.S.C. §103 over Nakajima, Yanagida, Shiiyama and in further view of Kanno et al. U.S. Patent No. 6,577,761.

Applicants respectfully submit that claim 13 directly depends from claim 8 and includes all of the features of that claim. Therefore, Applicants respectfully submit that claim 13 patentably distinguishes over Nakajima, Yanagida and Shiiyama for the same reasons indicated above for claim 8. Moreover, Applicants respectfully submit that Kanno fails to remedy the deficiencies of the combined teachings of Nakajima, Yanagida and Shiiyama as noted above for

claim 8. Favorable reconsideration and withdrawal of the rejection of claim 13 is respectfully requested.

Applicants are appreciative of the allowance on page 5 of the Office Action, of claims 1-3, 5-7 and 24-25.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, Applicants respectfully submit that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

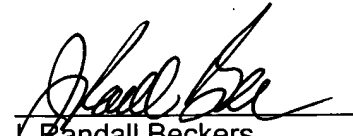
Respectfully submitted,

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6/26/6

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